

REMARKS

The specification has been amended to correct typographical errors contained therein. Claims 24, 27, 39, and 41 have been amended. Claims 1-42 are pending in the case. Further examination and reconsideration of pending claims 1-42 are hereby respectfully requested.

Section 112 Rejections

Claims 24-26, 28-29, and 32-42 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements.

The Office Action states that “[a]s set forth in the instant specification, in particular the last paragraph on page 17, the transition between the illuminated and non-illuminated regions, and the passage of the element the height of which is being measured through the transition, is necessary for the operation of the system.” (Office Action -- page 2). Applicants respectfully traverse this assertion. Nevertheless, independent claims 24, 39, and 41 have been amended for clarification. In particular, independent claim 24 has been amended to recite in part: “scanning the specimen with partial oblique illumination such that the structure passes across an oblique plane separating an illuminated region and a non-illuminated region in the partial oblique illumination to form an image of the structure.” Independent claims 39 and 41 have been amended to recite similar limitations. Support for the amendments to claims 24, 39, and 41 can be found in the Specification, for example, on page 15, line 14 to page 17, line 28. Applicants respectfully submit that the amendments to claims 24, 39, and 41 fully address the concerns about these claims raised in the Office Action.

For at least the reasons set forth above, independent claims 24, 39, and 41, and claims dependent therefrom, are believed to be definite. Accordingly, removal of this rejection is respectfully requested.

Allowable Subject Matter

Claims 1-23 were allowed. Claims 27, 30, and 31 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the amendments herein, it is believed all pending claims are now in condition for allowance.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed March 10, 2006. In addition, it is believed that the art cited but not relied upon is not pertinent to the patentability of the present claims. In view of the remarks presented herein, Applicants assert that pending claims 1-42 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

The Commissioner is authorized to charge any required fees or credit any overpayment to deposit account number 50-3268/5589-04301.

Respectfully submitted,
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